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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by Habitat International Coalition, a non-governmental organization in consultative status (Category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 August 1995]

1. The Palestinian Arabs in Israel number 850,000 and form a substantial minority, accounting for 18 per cent of all Israeli citizens. Yet, Israel takes no account of them when it defines the country as a Jewish State. The marginalization of the Palestinian minority is the result of a system which is geared, exclusively, to meeting the needs of the Jewish majority.

2. After the events of 1948, of the 500 Arab localities that were in existence only 100 remained. The 75,000 Palestinians who were forcibly evicted from villages and towns, but who remained within the State of Israel, were denied the right to return and were dispossessed of their land by the Absentee Property Owners' Law 1950. Under this law, Palestinians lost over 40 per cent of their land assets. Seizures also included over 17,500 acres of Waqf property donated by the faithful for the benefit of the Muslim community.

3. By 1953, 93 per cent of land was concentrated in state hands and is the subject of the Israeli Lands' Basic Law which prohibits the transfer of such land, by sale or other means, to individuals and therefore to its rightful owners. Additional land expropriations and forced evictions of Arabs continue to the present day. They are motivated by the policy of Judaization of the areas in which the Arab population remains in the majority. For example, through the manipulation of local authority boundaries, Misgav Regional Council was created as a community base for the small Jewish hilltop settlements in the Galilee. It claims over 180,000 acres for a population of 4,000, whilst the 22 Arab councils, to whom much of this land previously belonged, have just 17,500 acres for a combined population of 120,000.

4. A large proportion of former Arab land is now owned by national institutions such as the Jewish National Fund (JNF) and the Jewish Agency (JA). These institutions have almost identical constitutions: the Memorandum of Association of the JNF states as its principal object, "the settlement of Jews", which is construed as meaning that land belonging to the JNF must not be leased to Arabs. The status of these institutions as private entities allows them to practise discrimination with impunity, as demonstrated by the action of the Jewish Agency, which recently prevented an Arab couple from purchasing a house constructed on state land and financed from public taxation.

5. Among the Israeli plans that are in line with this policy is the "Trans-Israel" Route No. 6 which will bring about the dispossession of Arab citizens in the Galilee and the Triangle of thousands of dunams of land and the wiping out of several unrecognized Arab villages. Also, a new plan, known as the Master Plan for the Development of the North, will soon be approved by the Israeli Ministry of the Interior and other official planning circles. This plan shows clearly the continued discriminatory policy towards the Arabs and it lines up with the long-declared policy of the Judaization of the Galilee. The plan states that its aim is to create a demographic balance and to block territorial continuity with the Arab-populated areas. For example, it was explained in the plan that the Arab share of reserve land in the Galilee is barely 5 per cent, while the remaining 95 per cent is designated to the Jews. Official figures show that Arabs in the Galilee make up 50 per cent of the total population in this area.

6. The right to adequate housing is most blatantly challenged with respect to the 60,000 Arab Palestinian citizens who inhabit the so-called unrecognized villages. These villages do not appear on any map, even though many have been in existence since before the formation of the Israeli State, or have been established by the internally displaced persons of 1948. Their unrecognized status results in the denial of basic services. A sample of 30 such villages, having a total population of 4,000, showed that none were connected to sewage systems nor did they have medical clinics, 4 had schools, 2 had transport to schools, 2 had electricity and 16 were connected to water. Recognition of villages is at ministerial discretion and is often withheld from Arab villages on the grounds of size. Yet, of 85 settlements of less than 100 inhabitants that are recognized and have access to services, 83 are Jewish. Due to popular pressure and lobbying by the Arabs, the Israeli Government granted official recognition to four Arab villages in the northern district. However, almost nothing on the ground has changed, in terms of basic services: running

water, roads, medical clinics, schools and other infrastructure. The official recognition is viewed as a slight change in Israeli policy, but it constitutes a solution for only 2 per cent of the unrecognized Arab villages where 60,000 people live. The four Arab villages which were granted recognition comprise 1,500 people only.

7. In 1986, an interministerial commission was established to investigate, "illegal construction in the Arab sector". In consequence, the Markovitch report was produced, which classified certain villages and hamlets as "grey areas", meaning that they should be demolished after a grace period of two to five years. During this time no repairs were to be permitted and any house deemed unsafe would be immediately destroyed. In all, 13,437 houses were issued with demolition orders. Not all the orders have been carried out, but they are still in existence and contribute to the creation of insecurity for the residents.

8. Government policy in the Negev is indefensible; 42,000 Bedouin live in settlements, deprived of basic services. This is to encourage the resettlement of the 100,000-strong community into seven urban areas, while the Jewish inhabitants number 380,000 and live in 280 settlements, thereby freeing Bedouin lands for Jewish development. In the planned urban centres no effort was made to accommodate the agricultural lifestyles of the Bedouin nor to create any alternative employment. Furthermore, following the Markovitch report, in 1988-1989, 451 demolitions were carried out by the authorities and by the owners themselves complying with court orders. In line with this continued policy, in July 1995 the Israeli authorities presented 200 litigations to the court against members of the Al-Hawashleh tribe who live near the Jewish township of Dimona in the Negev, demanding their displacement on the pretext that they live on state land. The tribe's members have been prevented from working their lands, thus endangering their only source of subsistence agriculture and livestock raising. It is worth indicating that the 2,500-strong Al-Hawashleh tribe have lived in the place since before the establishment of the State of Israel.

9. The poor housing conditions and substantial overcrowding that exist in the Arab sector, are attributable to a number of factors. Firstly, land confiscations have reduced the average per capita ownership of land by Arabs from 4.75 acres in 1945 to 0.85 acres in 1950 to under 0.25 acres today. Secondly, since 1948 the Arab population has increased fivefold. When taken into consideration with the young age of the Arab population, this has produced a high degree of new household formation. Thus, the average number of persons per household in the Arab sector is 5.47 per cent, as compared to 3.41 per cent in the Jewish sector.

Housing density and population group 1992 (persons per room)				
	(-1.00)	(1-1.99)	(2-2.99)	(3.00+)
Arabs	12.1	47.3	28.0	12.1
Jews	40.6	51.0	7.3	1.1

10. In spite of this, there is limited public sector involvement in the provision of housing for the Arab minority. In 1988, the Arab sector benefited from only 0.8 per cent of all housing projects in the country. In 1990, following Jewish immigration, there were six times as many housing projects, but of the new housing in cities not one project was for an Arab locality.

11. In the mixed cities, the inadequacy of housing and living conditions is a glaring fact of daily life. In Haifa, for example, in the past two years the Israeli authorities claimed that 200 inhabited Arab houses in Wadi Al-Nisnas neighbourhood were not suitable for habitation. The authorities have thus far offered the inhabitants neither alternative solutions nor the right to repair their own houses. The 1,000 inhabitants live with the daily fear of death from house collapse and the threat of demolition of their houses. The aim of the authorities is clearly to force the inhabitants to leave their houses and to change the image of the neighbourhood into an area inhabited by Jewish citizens instead of Arabs. In the mixed city of Jaffa the situation is even worse. In addition to a ban on renovation of homes and the threat of demolitions, the authorities do not supply essential civic services to the Arab residents. One indication of this neglect is the sight of stagnant sewage water that can be seen covering the backyards of the houses inhabited by Arabs.

12. The housing market offers no visible relief for Arabs who are landless. Demand from new Jewish immigrants, whose financial position is enhanced by state aid, has significantly raised the price of housing. Given that 40 per cent of Arab families live below the poverty line (although they account for 10 per cent of all families in the State), homes are out of the reach of many. Furthermore, the State officially advocates private discrimination in the market by supporting Jewish home owners who give preference to new immigrants when selling or leasing their property.

Conclusion

13. The presentation of these facts concerning land and housing conditions demonstrates that the right to adequate housing is denied to the Palestinian minority in Israel. It is clear that important principles such as non-discrimination, equality in land relations and the protection of minorities, are seriously violated. We believe that the continuance of land confiscation, denial of recognition of Arab villages and the eviction of Arab residents by various means are gross violations of economic, social and cultural rights.

14. The practices of the Israeli Government highlighted in this statement are inconsistent with the following international human rights instruments that Israel is a State party to: The International Covenant on Economic, Social and Cultural Rights (art. 11 (1)); the Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (iii)); the Convention on the Elimination of All Forms of Discrimination against Women (art. 14.2 (h)) and the Convention on the Rights of the Child (art. 27.3).

15. Habitat International Coalition and the Arab Coordinating Committee on Housing Rights in Israel (ACCHRI) urge the Sub-Commission to take action by demanding that Israel:

1. Put an end to the discriminatory treatment of Israeli Arab citizens in matters relating to housing and living conditions.

2. Stop the arbitrary eviction of Israeli Arab citizens, the demolition of their houses and the confiscation of their lands and stop, in this respect, the harassing and destructive practices of the paramilitary group, the Green Patrol.

3. Provide all essential services to the Israeli Arab citizens in the unrecognized villages (and the four recognized villages), such as water, electricity, roads, education and basic health care.

4. Stop preventing Israeli Arab citizens living in the unrecognized villages from building new houses and improving them according to acceptable housing standards.

5. Recognize the Arab Bedouins' existing villages and their land rights, including water rights and promote the development of both traditional and modern agriculture in the region of the Negev.

6. Recognize alternate master plans prepared by the local Arab associations of the unrecognized villages throughout Israel.

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